

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 5

HEALTHCARE SERVICES GROUP, INC.

Employer

and

Case 5-RC-15513

UNITED FOOD AND COMMERCIAL WORKERS  
UNION, LOCAL 400

Petitioner

REPORT ON OBJECTIONS AND NOTICE  
OF HEARING

Pursuant to a Stipulated Election Agreement<sup>1</sup> approved by me on January 30, 2003,<sup>2</sup>  
a secret-ballot election was conducted under my supervision on February 27, with the following  
results:

Approximate number of eligible voters	16
Void ballots	0
Votes cast for Petitioner	5
Votes cast against participating labor organization	2
Valid votes counted	7
Challenged ballots	2
Valid votes counted plus challenged ballots	9

The challenges are not sufficient in number to affect the results of the election.

Employer filed timely objections to conduct affecting the results of the election on  
March 6th.<sup>3</sup>

---

<sup>1</sup> The unit is: "All full-time and regular part-time housekeeping and laundry employees employed by the Employer at the Elizabeth Adam Crump Manor Nursing Home, Glen Allen, Virginia facility; but excluding all other employees, managerial employees, professional employees, guards and supervisors as defined in the Act." The eligibility period is the payroll period ending January 25, 2003.

<sup>2</sup> Unless otherwise noted, all dates are 2003.

<sup>3</sup> The petition was filed on January 16, 2003. I will consider on its merits only that alleged interference which occurred during the critical period which begins on and includes the date of the filing of the petition and extends through the election. Goodyear Tire and Rubber Company, 138 NLRB 453.

### THE OBJECTIONS

1. On the day of the election, a Union Representative (believed to be Ralph Ramirez) met with eligible voter William Butler in the break area at the Elizabeth Adam Crump Manor Nursing Home, i.e., the facility at which the election was held.
2. The Union Representative asked Butler why he was not going to vote for Local 400.
3. Butler told him that he was not going to vote for Local 400 because Local 400 had represented him when he was employed by Beverly and that Local 400 had overcharged him for his union dues. In addition, he told the Union Representative that, upon switching his employment from Beverly to Healthcare Services Group, Inc. ("Healthcare"), he lost his accrued but unused vacation, and he held Local 400 responsible for this loss.
4. This Union Representative told Butler that Local 400 would make this up to him, and that Local 400 would reimburse him for the dues at issue, and Local 400 also would pay him for the vacation pay that he had lost as a result of switching from Beverly to Healthcare.
5. The foregoing conversation between the Union Representative and William Butler was seen and heard by a Healthcare employee. Furthermore, Butler confirmed the witnessing employee's understanding of the statements made by the Union Representative in a conversation that Butler had with Healthcare's District Manager, Andrew Lewis.

### THE EMPLOYER

In support of these Objections the Employer relies on the statement of employee A, who witnessed the conversation between a union representative and William Butler. A states the union representative asked Butler why he was not going to vote for the union. Butler told the union representative that when he was an employee at Beverly the union had overcharged him for union dues, and when he switched from Beverly to Healthcare, he lost his accrued but unused vacation, and that he held the Union responsible for this loss. According to A, the union representative told Butler Local 400 would make this up to him by reimbursing him for the dues at issue and by paying him for the vacation pay that he lost as a result of switching him

employment from Beverly to Healthcare. The Employer also relies upon the statement of District Manager Andrew Lewis, who asked Butler about the conversation and who states Butler confirmed to him that the statements had been made to him by the Local 400 representative.

The Petitioner denies the conduct alleged or that the conduct was objectionable.

In view of the foregoing it appears substantial and material issues of fact exist with regard to the Objections which can best be resolved by record testimony. Accordingly, I shall direct a hearing be held with respect to the issues raised.

#### NOTICE OF HEARING

IT IS HEREBY DIRECTED, pursuant to Section 102.69 of the Board's Rules and Regulations, Series 8, as amended, that a hearing be held on March 27, 2003 at A HEARING ROOM, 5<sup>TH</sup> FLOOR, THE DIVISION OF JUDGES, NATIONAL LABOR RELATIONS BOARD, 1099 14<sup>TH</sup> STREET, N.W., WASHINGTON, DC, before a duly designated Hearing Officer of the National Labor Relations Board, who will take testimony for the purpose of resolving the issues raised by the Petitioner's Objections at which time and place the parties will have the right to appear in person, or otherwise, and give testimony. The Hearing Officer designated for the purpose of conducting such hearing shall prepare, and cause to be served upon the parties, a report containing resolutions of the credibility of witnesses, finding of fact and recommendations to the Board as to the disposition of their issues. Within fourteen days of issuance of such report, any party may file with the board in Washington, DC, an original and seven copies of exceptions thereto. Immediately upon filing such exceptions the party filing the same shall serve a copy thereof on the other parties and shall file a copy with the Regional Director. If no exceptions are filed thereto, the Board may decide the matter forthwith upon the record or make other disposition of the case.

Dated at Baltimore, Maryland this 14th day of March 2003.

(SEAL)

WAYNE R. GOLD

---

Wayne R. Gold, Regional Director  
National Labor Relations Board, Region 5  
103 South Gay Street  
Baltimore, MD 21202